# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CRIMINAL APPLICATION No. 407 of 2006

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**RAJU MEGHAJI VALA - Applicant(s)**
**Versus**
**STATE OF GUJARAT & 1 - Respondent(s)**

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**Appearance :**
BY POST for Applicant(s) : 1,
MR K.T. DAVE, APP. for Respondent(s) : 1,
None for Respondent(s) : 2,

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**ORAM : HONOURABLE MR.JUSTICE D.A.MEHTA**
**Date : 17/03/2006**
**ORAL JUDGMENT**

1 This application is moved by the petitioner convict by way of communication dated 6/12/2005 addressed to Hon'ble The Chief Justice. The application is primarily in the form of a complaint regarding the authority not granting parole leave to file appeal in the High Court as the subject of the communication states. In paragraph No.2 of the communication it is stated that the petitioner had vide outward No.3308 of 2005 moved an application before I.G. Prisons, about seven months prior in point of time but there is no response, according to the petitioner, to his application for parole leave. Hence, the present application.

2.Mr.K.T.Dave, learned APP. appearing on behalf of the respondents invited attention to communication dated 13/2/2006 whereby it is recorded vide order dated 8/2/2006 that the application of the petitioner has been rejected

by the authority. However, as can be seen from the said order, the said application was in relation to the medical treatment of the convict and as per the opinion of the Jail Medical Officer the said treatment is possible in Civil Hospital, Ahmedabad through jail, and therefore the application moved by the petitioner has been rejected by I.G. Prisons.

3.On going through the report of the jail authority it is apparent that at no point of time the petitioner had applied for parole leave for the purpose of filing appeal despite the fact that he had been granted parole leave from 25/12/2004 to 23/1/2005 on the ground of illness of his mother. Thereafter, from 22/1/2006 to 4/2/2006 he has also been granted furlough.

4.In these circumstances, it is apparent that

despite the petitioner convict having been released on parole and furlough twice within a period of one year he has taken no steps to prefer the appeal despite the fact that he was sentenced on 22/3/2004, and hence the ground stated in the present application does not appear to be correct.

5.However, even if the said ground is a genuine ground he can always take steps to prefer appeal through the legal cell of the jail after seeking assistance in this connection.

6.In the circumstances, the petition is rejected. Rule discharged.

Sd/-
(D.A.MEHTA, J)

m.m.bhatt